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JCE28 U.S. PTO

"Express Mail" mailing label number EL500979997US.  
Date of Deposit August 3, 2001

Case No. 9623/340

# PATENT APPLICATION TRANSMITTAL LETTER

To the Commissioner for Patents:

Transmitted herewith for filing is the patent application of: Dominic Cheung for : Search Engine Account Monitoring. Enclosed are:

- ☒ 9 sheet(s) of drawings, 51 pages of application (including title page), and the following Appendices : two identical compact discs marked COPY 1 and COPY 2 and having a CD-R appendix containing computer source code in IBM-PC format compatible with MS-Windows operating system; a list of the 22,808 files contained on the compact discs is provided in a file at the top directory level of each compact disc in a file called "dir s".
- ☐ Declaration.
- ☐ Power of Attorney.
- ☐ Verified statement to establish small entity status under 37 CFR §§ 1.9 and 1.27.
- ☐ Assignment transmittal letter and Assignment of the invention to : \_\_\_\_\_.
- ☒ Information Disclosure Statement; Form PTO-1449; 68 cited references; Petition Under 37 CF 1.183; \$130 check for petition fee; Request and Certification Under 35 USC 122(b)(2)(B)(i); and return postcard.

09/03/01

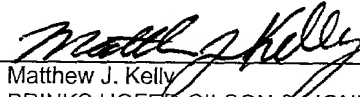
Claims as Filed	Col. 1	Col. 2
For	No. Filed	No. Extra
Basic Fee		
Total Claims	20-20	0
Indep. Claims	2-3	0
Multiple Dependent Claims Present		

\*If the difference in col. 1 is less than zero, enter "0" in col. 2.

Small Entity		or	Other Than Small Entity	
Rate	Fee		Rate	Fee
	\$ 355	or		\$ 710
x\$9=	\$	or	x\$18=	\$
x\$40=	\$	or	x\$80=	\$
+\$135=	\$	or	+\$270=	\$
Total	\$	or	Total	\$710

- ☐ Please charge my Deposit Account No. 23-1925 in the amount of \$: \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$: \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
  - ☒ Any additional filing fees required under 37 CFR § 1.16.
  - ☒ Any patent application processing fees under 37 CFR §1.17.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
  - ☐ Any filing fees under 37 CFR § 1.16 for presentation of extra claims.
  - ☐ Any patent application processing fees under 37 CFR § 1.17.
  - ☐ The issue fee set in 37 CFR § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR § 1.311(b).

August 3, 2001  
Date


  
 Matthew J. Kelly  
 BRINKS HOFER GILSON & LIONE  
 Registration No. 42,716

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor		Dominic Cheung
	Title	Search Engine Account Monitoring	
	Atty Docket Number		9623/340

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

August 3, 2001  
Date

  
Signature

Matthew J. Kelly  
Typed or Printed Name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.**

"Express Mail" mailing label number EL 500979997 US

Date of Deposit: August 3, 2001

Our Case No. 9623/340

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
Dominic Cheung )  
 ) Examiner *not yet assigned*  
Serial No. *not yet assigned* )  
 ) Group Art Unit No.: *not yet assigned*  
Filing Date: August 3, 2001 )  
 )  
For **SEARCH ENGINE ACCOUNT** )  
**MONITORING** )  
 )

**PETITION UNDER 37 C.F.R. 1.183**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicants respectfully request waiver of the requirement under 37 C.F.R. § 1.52(e) for including in the transmittal letter and specification of the patent application filed herewith a list of the names of the files contained on the disk, with other identifying information. The number of files on the enclosed disk is too great to practically include such a list.

Background

For filing electronic documents that are to become part of permanent records of the U.S. Patent and Trademark Office, 37 C.F.R. § 1.52(e) provides that such documents may be submitted on a compact disc read only memory (CD-ROM) or compact disk-recordable (CD-R). Rules are provided for format and content of the submission.

Among the information to be provided is a list of the files contained on the submitted compact discs. This information must be provided in two places when submitting a compact disk as part of a patent application. "The specification must contain an incorporation-by-reference of the material on the compact disc in a separate paragraph..., identifying each compact disc by the names of the files contained on each of the compact discs, their date of

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creation and their sizes in bytes.” 37 C.F.R. § 1.52(e)(5) (2001). Further, “[t]he transmittal letter must list for each compact disc ... a list of files contained on the compact disc including their names, sizes in bytes, and dates of creation....” 37 C.F.R. § 1.52(e)(3)(ii) (2001).

Accordingly, the currently-established rules for submitting documents in electronic form on CD-ROM or CD-R require listing of the names of all files in both the patent application and transmittal letter.

#### The Present Application

A source code appendix is included with the present application. In accordance with 37 C.F.R. § 1.52(e), the source code appendix has been stored on two identical CD-R compact discs in IBM-PC format under the MS-Windows operating system. On the compact discs filed with the application, at the top directory level of each disc is a file named “dir\_s” which identifies each file on the compact disc by the names of the files, their date of creation and their sizes in bytes. Also at the top directory level of each disc is a folder named “Goto” which contains 19 sub-folders including the files identified in the file dir\_s. The total number of files contained on the CD-R compact disc is 23,815. The total number of bytes contained on the CD-R compact disc is 106,393,874.

The file dir\_s is approximately 887 pages long, which can not be reasonably included in the incorporation by reference in the specification of the present application or in the transmittal letter for the present application. Including such a large file in printed form in the patent specification and transmittal letter would produce a patent file which is inconvenient to handle and process within the U.S. Patent and Trademark Office. Expenses for photocopying, data capture and other processing will be unduly increased both for the application and any continuation or divisional applications, and for any patents which may be granted on such applications. The first and last pages of the file dir\_s are attached with this petition for illustrative purposes.

Accordingly, it is proposed to include in the incorporation by reference of the specification of the present application a reference to the file dir\_s on the compact disc which identifies each file on the compact disc. The present patent application has been filed with the following incorporation by reference:

A compact disc appendix is included containing computer program code listings pursuant to 37 C.F.R. 1.52(e) and is hereby incorporated by reference in its entirety. The total number of compact discs is 1 including 23,815 files and 106,393,874 bytes. The files included on the compact disc are listed in a file entitled "dir\_s" on the compact disc. Because of the large number of files contained on the compact disc, the required listing of file names, dates of creation and sizes in bytes is included in the file dir\_s on the compact disk and incorporated by reference herein. The compact disk contains program code files in ASCII format.

It is further proposed to include in the transmittal letter a reference to the file dir\_s on the compact disc which identifies each file on the compact disc. The transmittal letter for the present application includes the following information:

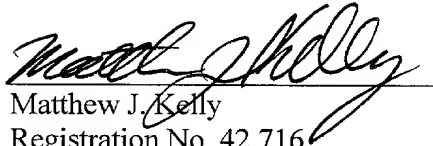
Enclosed are: ... two identical compact discs marked COPY 1 and COPY 2 and having a CD-R appendix containing computer source code in IBM-PC format compatible with MS-Windows operating system; a list of files contained on the compact discs is provided in a file at the top directory level of each compact disc in a file called "dir\_s"

Accordingly, because of the extraordinary situation created by the large number of files -- 22,808 files -- contained on the compact discs filed with the present application, Applicants respectfully request waiver of the requirement under 37 C.F.R. § 1.52(e) for inclusion of a list of files contained on each compact disc. Applicants further request approval of the above-quoted incorporation by reference and listing of the transmittal filed with the present application in fulfillment of the requirements of 37 C.F.R. § 1.52(e).

Fee payment

A check in the amount of \$130.00 is enclosed for the Petition fee under 37 C.F.R. § 1.17(h). Any additional fee required may be charged or credit for any excess fee may be paid to Deposit Account No. 23-1925.

Respectfully submitted,

  
Matthew J. Kelly  
Registration No. 42,716  
Attorney for Applicant

August 3, 2001

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